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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,759

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EXAMINER

LEUNG, JENNIFER

ART UNIT

PAPER NUMBER

3709

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/776,759

Applicant(s)

WOOD, ETHAN

Examiner

Jennifer Leung

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/9/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a spring weighted actuator 63, a switch 65, one end 64, a weight 67, and a torsion spring 69 as described in the specification in paragraph 0034. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Page 5, line 4: "housing 23" should be -- housing 21 --.

Page 7, line 24: "pinball 91" should be -- pinball 71 --.

Page 8, line 24: "LCD's" should be -- LED's --.

Page 9, lines 1-2: "pinball 91" should be -- pinball 71 --.

Appropriate correction is required.

Claim Objections

3. Claims 1-33 are objected to because of the following informalities:

Claims 1-33, line 1: "game" should be -- game device -- because a game is an abstract idea generally consisting of rules. A device consists of physical parts, such as a housing.

Line 1 of claims 3, 6, 7, 8, 13, 14, 15, 18, 19, 24, 25, and 27: "wherein" should be -- further comprising --. After replacing "wherein" with "further comprising", the claim should be further amended for it to be grammatically correct. For example, in claim 3, line 2, "a second opening in said housing receives" should be -- a second opening in said housing for receiving --.

Claim 5, line 2: "said game" should be -- said hand-held game --.

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Claim 12, line 1: "claim 1" should be -- claim 11 --.

Claim 12, line 2: "thereon" should be -- on said dot matrix portion --.

Claim 14, line 1: "claim 12" should be -- claim 13 --.

Claim 23, line 2: "thereon" should be -- on said dot matrix portion --.

Claim 24, line 2: "said display card" should be -- said display card in said first opening --.

Claim 26, line 2: "is in a" should be -- is a --.

Claim 26, line 2: "a back face" should be -- said back face --.

Claim 28, line 2: "the pinball game" should be -- the hand-held pinball game --.

Claim 28, line 3: "the housing of the pinball game" should be -- a housing of the hand-held pinball game --.

Claim 28, lines 7 and 8: "the pinball game" should be -- the hand-held pinball game --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-2, 9, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Haarlander (5,718,336).

Re claim 1: Haarlander discloses a hand-held game (col. 5, lines 40-45), comprising: a housing having a front face (40, 44, 46, Fig. 3; col. 5, line 57); a display screen formed in said front face (40, 44, 46, Fig. 3; col. 4, lines 39-61); a first opening in said housing (60, Fig. 3; col. 3, lines 56-60); and a display card (30, Fig. 3) visible through said display screen (Figs. 2 and 4; col. 2, lines 26-29; col. 4, lines 39-61), said display card being insertable and removable through said first opening (Fig. 3; col.4, lines 64-67).

Re claim 2: Haarlander further discloses the hand-held game according to claim 1, wherein said first opening is in a top face of said housing (60, Fig. 3).

Re claim 9: Haarlander further discloses the hand-held game according to claim 1, wherein said housing is made of plastic (col. 3, lines 23-25).

Re claim 28: Haarlander discloses a method of playing a hand-held pinball game; comprising the steps of playing the pinball game (col. 5, lines 40-45) with a first display card viewable through a display screen in the housing of the pinball game (Figs. 2 and 4; col. 2, lines 26-29; col. 4, lines 39-61); removing the first display card through a first opening in the housing (Fig. 3; col.4, lines 64-67); inserting a second display card (col. 5, lines 9-14) through the first opening in the housing (Fig. 3; col.4, lines 64-67); and

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playing the pinball game (col. 5, lines 40-45) with the second display card viewable through the display screen in the housing of the pinball game (Figs. 2 and 4; col. 2, lines 26-29; col. 4, lines 39-61).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander in view of www.gamestech.com (http://web.archive.org/web/20031008184746/http://gamestech.com/Game_boy_AdvanceSP/gbasp.htm). The teachings of Haarlander have been discussed above.

Re claim 3: However, Haarlander fails to disclose a second opening in said housing for receiving another display card not received in said first opening for use during play.

Re claim 4: In addition, Haarlander fails to disclose a pocket secured to a back face of said housing.

www.gamestech.com teaches a cartridge holder (page 2) for the gameboy advance console which is secured to the back of the console when the display is open. The holder can hold 1 or 2 gameboy cartridges when not in use (page 3, bullet 2).

Therefore, in view of www.gamestech.com, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a another opening or pocket on the back of Haarlander's device in order to store additional game cards for later use.

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander in view of d'Archard Van Enscht (US 5,700,193). The teachings of Haarlander have been discussed above.

Re claim 5: However, Haarlander fails to disclose a pinball game.

d'Archard Van Enscht teaches a pinball game (col. 1, lines 5-6).

Re claim 6: In addition, Haarlander fails to disclose an impact sensor in said housing, which senses movement of said housing and alters a path of a simulated pinball in said display screen in response thereto.

d'Archard Van Enscht teaches an impact sensor in said housing, which senses movement of said housing (col. 3, lines 20-25; col. 6, line 27) and alters a path of a simulated pinball (col. 1, lines 5-14) in said display screen in response thereto (col. 2, lines 7-8; col. 4, lines 43-60).

Re claim 7: In addition, Haarlander fails to disclose a spring-loaded plunger, which is connected to said housing to launch a simulated pinball into play.

d'Archard Van Enscht teaches a spring-loaded plunger, which is connected to said housing to launch a simulated pinball into play (col. 2, lines 56-57).

Therefore, in view of d'Archard Van Enscht, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pinball game, an impact sensor in said housing, which senses movement of said housing and alters a path of a simulated pinball in said display screen in response thereto, and a spring-loaded plunger, which is connected to said housing to launch a simulated pinball into play, in order to play a portable electronic pinball game.

6. Claims 5, 8, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander in view of Ota (US 6,743,104). The teachings of Haarlander have been discussed above.

Re claim 5: However, Haarlander fails to disclose a pinball game.

Ota teaches a pinball game (col. 7, lines 53-58).

Re claim 8: However, Haarlander fails to disclose a battery contained in said housing, which powers said hand-held game.

Ota teaches a battery contained in said housing, which powers said hand-held game (col. 4, lines 59-60).

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Re claim 10: In addition, Haarlander fails to disclose said housing having at least one speaker to provide sound.

Ota teaches said housing having at least one speaker to provide sound (58, Fig. 3; col. 5, lines 13-18).

Re claim 11: In addition, Haarlander fails to disclose said display screen, which is an LCD.

Ota teaches said display screen, which is an LCD (16, Fig. 1).

Re claim 12: In addition, Haarlander fails to disclose said LCD having a dot matrix portion to display text thereon.

Ota teaches said LCD having a dot matrix portion to display text thereon (col. 3, lines 32-35: if the device can display images, it can also display text).

Re claim 13: In addition, Haarlander fails to disclose a printed circuit board, which is mounted in said housing behind said display card and said display screen.

Ota teaches a printed circuit board, which is mounted in said housing behind said display card and said display screen (28, Fig. 2; col. 3, lines 60-61: the printed circuit board must be behind the display in order for the user to see the display, instead of seeing the circuit board).

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Re claim 14: In addition, Haarlander fails to disclose a plurality of LED's visible through said display screen, which are mounted on said printed circuit board.

Ota teaches a plurality of LED's visible through said display screen, which are mounted on said printed circuit board (col. 4, line 61; col. 10, lines 20-21: the LED should be mounted on the printed circuit board in order to receive electricity and signals to light up).

Re claim 15: In addition, Haarlander fails to disclose first and second buttons on said front face of said housing, which control simulated flippers of said display screen.

Ota teaches first and second buttons on said front face of said housing (Fig. 1; 48b-48e, Fig. 3), which control simulated flippers of said display screen (col. 1, lines 53-57).

Therefore, in view of Ota, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pinball game, a battery contained in said housing, which powers said hand-held game, said housing having at least one speaker to provide sound, said display screen, which is an LCD, said LCD having a dot matrix portion to display text thereon, a printed circuit board, which is mounted in said housing behind said display card and said display screen, a plurality of LED's visible through said display screen, which are mounted on said printed circuit board, and first and second buttons on said front face of said housing, which control simulated flippers of said display screen, in order to play a portable electronic pinball game.

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7. Claims 16-18, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander, as modified by d'Archard Van Enscht, as applied to claims 6 and 7 above, and further in view of www.gamestech.com. Haarlander further discloses the housing having a back face (Fig. 3: while the back face is not explicitly shown, all boxes inherently have a back face, opposite the front face)

Re claim 16: However, the teachings of Haarlander modified by d'Archard Van Enscht fails to disclose a second opening in said housing for receiving a second display card, said second display card being interchangeable with said first display card.

Re claim 26: In addition, the teachings of Haarlander modified by d'Archard Van Enscht fails to disclose said second opening, which is a pocket attached to a back face of said housing.

www.gamestech.com teaches a cartridge holder (page 2) for the gameboy advance console which is secured to the back of the console when the display is open. The holder can hold 1 or 2 gameboy cartridges when not in use (page 3, bullet 2). When the user wants to play a game from the cartridge holder, he or she takes the first cartridge out of the slot (first opening). The user then takes the second cartridge from the holder (second opening) and slides it in the first opening. Finally the user slides the first cartridge in the second opening.

Therefore, in view of www.gamestech.com, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second opening or pocket on the back of said housing for receiving a second display card, said second

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display card being interchangeable with said first display card in order to store additional game cards for later use.

8. Claims 19, 21-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, as applied to claims 16-18, 20, and 26 above, and further in view of Ota.

Re claim 19: However, Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, fails to disclose a battery contained in said housing, which powers said hand-held game.

Ota teaches a battery contained in said housing, which powers said hand-held game (col. 4, lines 59-60).

Re claim 21: In addition, Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, fails to disclose said housing having at least one speaker to provide sound.

Ota teaches said housing having at least one speaker to provide sound (58, Fig. 3; col. 5, lines 13-18).

Re claim 22: In addition, Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, fails to disclose said display screen, which is an LCD.

Ota teaches said display screen, which is an LCD (16, Fig. 1).

Re claim 23: In addition, Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, fails to disclose said LCD having a dot matrix portion to display text thereon.

Ota teaches said LCD having a dot matrix portion to display text thereon (col. 3, lines 32-35: if the device can display images, it can also display text).

Re claim 24: In addition, Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, fails to disclose a printed circuit board, which is mounted in said housing behind said display card and said display screen.

Ota teaches a printed circuit board, which is mounted in said housing behind said display card and said display screen (28, Fig. 2; col. 3, lines 60-61: the printed circuit board must be behind the display in order for the user to see the display, instead of seeing the circuit board).

Re claim 25: In addition, Haarlander, as modified by d'Archard Van Enschut and www.gamestech.com, fails to disclose a plurality of LED's visible through said display screen, which are mounted on said printed circuit board.

Ota teaches a plurality of LED's visible through said display screen, which are mounted on said printed circuit board (col. 4, line 61; col. 10, lines 20-21: the LED should be mounted on the printed circuit board in order to receive electricity and signals to light up).

Re claim 27: In addition, Haarlander, as modified by d'Archard Van Enscht and www.gamestech.com, fails to disclose first and second buttons on said front face of said housing, which control simulated flippers of said display screen.

Ota teaches first and second buttons on said front face of said housing (Fig. 1; 48b-48e, Fig. 3), which control simulated flippers of said display screen (col. 1, lines 53-57).

Therefore, in view of Ota, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a pinball game, a battery contained in said housing, which powers said hand-held game, said housing having at least one speaker to provide sound, said display screen, which is an LCD, said LCD having a dot matrix portion to display text thereon, a printed circuit board, which is mounted in said housing behind said display card and said display screen, a plurality of LED's visible through said display screen, which are mounted on said printed circuit board, and first and second buttons on said front face of said housing, which control simulated flippers of said display screen, in order to play a portable electronic pinball game.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander in view of www.gamestech.com. The teachings of Haarlander have been discussed above.

However, Haarlander fails to disclose the steps of removing the second display card from a second opening in the housing before inserting the second display card

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through the first opening; and inserting the first display card in the second opening after removing the first display card from the first opening.

www.gamestech.com teaches a cartridge holder (page 2) for the gameboy advance console which is secured to the back of the console when the display is open. The holder can hold 1 or 2 gameboy cartridges when not in use (page 3, bullet 2). When the user wants to play a game from the cartridge holder, he or she takes the first cartridge out of the slot (first opening). The user then takes the second cartridge from the holder (second opening) and slides it in the first opening. Finally the user slides the first cartridge in the second opening.

Therefore, in view of www.gamestech.com, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the steps of removing the second display card from a second opening in the housing before inserting the second display card through the first opening; and inserting the first display card in the second opening after removing the first display card from the first opening in order to store additional game cards for later play.

10. Claims 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander in view of d'Archard Van Enscht (US 5,700,193). The teachings of Haarlander have been discussed above.

Re claim 30: However, Haarlander fails to disclose the step of tapping the housing during play to alter a path of a simulated pinball in said display screen.

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d'Archard Van Enscht teaches the step of tapping the housing during play (col. 3, lines 20-25; col. 6, line 32) to alter a path of a simulated pinball (col. 1, lines 5-14) in said display screen (col. 2, lines 5-8; col. 4, lines 43-60).

Re claim 33: In addition, Haarlander fails to disclose the steps of pulling and releasing a spring-loaded plunger to launch a simulated pinball into play.

d'Archard Van Enscht teaches the steps of pulling and releasing a spring-loaded plunger to launch a simulated pinball into play (col. 2, lines 56-59).

Therefore, in view of d'Archard Van Enscht, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the steps of tapping the housing during play to alter a path of a simulated pinball in said display screen, and pulling and releasing a spring-loaded plunger to launch a simulated pinball into play, in order to play a portable electronic pinball game.

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander, as modified by d'Archard Van Enscht, as applied to claims 30 and 33, and further in view of Doyle (US 4,334,679). The teachings of Haarlander modified by d'Archard Van Enscht have been discussed above.

However, Haarlander, modified by d'Archard Van Enscht, fails to disclose the steps of counting the tapping of the housing during play; and stopping play when a predetermined number of taps has occurred within a predetermined amount of time.

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Doyle teaches the steps of counting the tapping of the housing during play (col.6, lines 12-18; col. 6, lines 25-26); and stopping play when a predetermined number of taps has occurred within a predetermined amount of time (col. 6, lines 26-39).

Therefore, in view of Doyle, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the steps of counting the tapping of the housing during play; and stopping play when a predetermined number of taps has occurred within a predetermined amount of time in order to stop gameplay when a tilt has occurred and to prevent the user from over-tapping the gaming device.

12. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haarlander in view of Doyle (US 4,334,679). The teachings of Haarlander have been discussed above.

However, Haarlander fails to disclose the step of pushing first and second buttons on said housing to move simulated first and second flippers of said display screen.

Doyle teaches the step of pushing first and second buttons (21, 22, Fig. 1) on said housing to move simulated first and second flippers of said display screen (col. 1, lines 50-53; col. 5, lines 24-27).

Therefore, in view of Doyle, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of pushing first and second buttons on said housing to move simulated first and second flippers of said

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display screen in order to prevent a simulated ball from falling into the hole pass the flippers.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klitsner discloses an electronic game apparatus simulating variable launch power and direction of game object. Huang discloses a card game pinball amusement device. Gomez discloses an amusement game with pinball type playfield and virtual video images. Nagasaka discloses a movable body rebounding mechanism for amusement devices. Patla discloses a combination tilt switch and playfield incline indicator. Lu discloses a pen case with a pinball game set. Borg discloses a pinball machine having a play field which is changed during play. Chuang discloses a toy pinball machine. Clark discloses pinball game with simulated projectile display. Jalali discloses an electronic target game.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer Leung
December 19, 2006


KIM NGUYEN
PRIMARY EXAMINER